

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES DENNIS LENIHAN, III,

Defendant.

CR-05-150-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on November 1, 2023. (Doc. 153.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 31, 2023. (Doc. 149.) The United States accused James Lenihan (Lenihan) of violating his

conditions of supervised release 1) by failure to comply with his substance abuse testing requirements on three separate occasions; 2) by failing to maintain full-time employment; 3) by using methamphetamine and marijuana; 4) by possessing synthetic urine; 5) by committing another crime; and 6) by consuming alcohol. (Doc. 148.)

At the revocation hearing, Lenihan admitted to having violated the conditions of his supervised release 1) by failure to comply with his substance abuse testing requirements on three separate occasions; 2) by failing to maintain full-time employment; 3) by using methamphetamine and marijuana; 4) by possessing synthetic urine; 5) by committing another crime. (Doc. 149.) Judge Johnston found that the violations Lenihan admitted prove serious and warrants revocation of his supervised release and recommends a sentence of 18 months, with no supervised release to follow. (Doc. 153.) Lenihan was advised of his right to appeal and allocute before the undersigned and waived those rights. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 153) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant James Dennis Lenihan, III be sentenced to the Bureau of Prison for a period of 18 months, with no supervised release to follow.

DATED this 1st day of November, 2023.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris, Chief District Judge
United States District Court